

The FOARC and the FAA are to be commended for their efforts in creating this important piece of regulation.

After reviewing the proposed rule I have several comments that I believe if adopted will strengthen the regulations and also provide a higher level of safety for the consumer.

Proposed 91.509 and 135.167

I agree in part with the reasoning behind the change to the extended over water operation requirements. Mainly those turbine engines are reliable, however they do still fail. If engine dependability were the only factor governing safety requirements for extended over water operation, the proposed change to 91.509 and 135.167 would be sufficient. As written the proposed rule fails to take into consideration other emergencies that could occur in flight such as pressurization failure, fire, smoke, etc., any of which could be catastrophic. All of which require some sort of emergency action by the flight crew including decent to below 10,000 feet. In some situations ditching may be the only option. When taking into account all situations that could occur, 91.509 (b) and 135.167 (d) should be removed. Providing safety to the public should not be an option to be followed by those that have the budget to install the equipment. Further, 91.509 (b) should be modified to remove the 30 minute statement. With the modern dependability of turbine engines we have also realized greater speed and efficiency. Depending on conditions, within 30 minutes an aircraft could be beyond 200 miles from shore. Allowing an aircraft to travel this distance without safety equipment is excessive and is a reduction in safety. I agree with the 100 nautical adoption for FAR 91 and FAR 135 operations since this has been the existing Part 91 allowance.

Proposed 91.1023 and 91.1025

Having a requirement to formalize operating procedures is an important measure. As proposed 91.1023 and 91.1025 could create a conflict between the manual requirements for 135 operation. This conflict would only be evident to those fractionals that choose to operate under 135 for charter and 91 for fractional owners. As written the rules would require two separate manuals when one written and approved manual would satisfy both rules.

Proposed 91.1041 and 135.145

The present rules governing proving flights for 135 operators is antiquated. There is no increase in safety realized by flying an aircraft for 25 hours to "prove" it can be operated safely. The proof that any aircraft can be operated safely is already addressed by the fact that the crew has been trained to the air carriers standards which are approved by the FAA, received type certification to FAA standards, are current in the abilities based on FAA standards and posses a current medical of the proper class.

The requirement to operate an aircraft for 25 hours before it is approved is an economic burden to the carrier and an inconvenience to the public. The 25 hour requirement has no bearing on safety. Requiring the 25 hours also fails to take into account the advances in modern technology. Based on experience there is nothing that occurs during proving runs that can not be simulated on the ground. After all, proving flights are nothing more then simulated events, all of which could be performed with a greater margin of safety by using simulators, oral review and written exams.

As proposed and as written today, proving runs strain the resources of the carrier and also the FAA. It creates an unnecessary economic burden. Proving runs are a good test of fax capability between point A and point B with no

bearing on safety. I would be willing to bet that the dependability of our communication networks far exceed the dependability of modern turbine engines.

Proving run requirements should be further narrowed to 3 types. The types are, Turbo Prop (All), Turbine Powered (9 passengers or Less), and Turbine Powered (10 passengers or more). These should be the only requirements for an operator to meet to add a new "type" of aircraft. The requirements should depend heavily on current technology and less upon non-productive operation of the aircraft. The time required should be a maximum of 6 hours. This would reduce the strain on resources, inconvenience to the public and reduce the economic burden placed on the carrier.

Proposed 91.1047, 135.251 and 135.255

The proposed changes are somewhat ambiguous. Specifically it is unclear when an emergency exists which would allow the use of non covered personnel to provide maintenance. As written it is open to opinion and can not be followed consistently or enforced. This portion needs further clarification.

The proposal also requires a report to be made to the Drug Abatement Program Division by the carrier. I can see no purpose in this report. It makes more sense to report the occurrence to the principal inspector assigned to the carrier. Any information needed at the national level should be obtained from within the FAA organization.

Proposed 91.1053

Specifically I disagree with the intent of 91.1053(b). I can see no reason why the standards and certificate requirements of flight crews established by 91.1053(a) should be allowed deviation. To allow deviation is contrary to safety.

The standard proposed is good. Allowing deviation makes no sense. If the FAA is going to require higher standards then enforce the standard and keep the playing field level. If not don't invoke the standard.

Proposed 91.1109

I agree with the intent and scope of 91.1109 to require the formal adoption of a maintenance program. I do not agree that the format of the adopted program must be in the form of an AAIP. 91.1109(b)(1) should read "An inspection program currently recommended by the manufacturer of the aircraft and it's component's as allowed by FAR 91.409 (f) (3)". This wording would be consistent with the rest of the proposed regulation in referencing the governing FAR.

Proposed 91.1111

As written the proposed regulation is unclear as to the intent. Is the training that is referenced company procedures training or aircraft specific? If the regulation is addressing aircraft specific the rule is too restrictive by requiring annual recurrence. This requirement would be cost prohibitive and prove no increase in safety.